GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:1096
ANSWERED ON:22.11.2016
Overcrowded Jails
Chaudhury Shri Jitendra;Patil Shri Bheemrao Baswanthrao

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether prisons in the country are overcrowded by 150 per cent and if so, the details thereof along with the action taken by the Government to address this situation;

(b) whether cramming of cells beyond the permissible limit breaches the fundamental and human rights of the prisoners under trials and if so, the details thereof along with the other corrective measures taken to tackle the same;

(c) whether in spite of directions by the court, the prison authorities have not been able to take effective steps for reducing overcrowding and if so, the action taken in this regard; and

(d) whether the Government has formulated a viable plan of action to de-congest the jails, if so, the details and if not, the reasons therefor?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HANSRAJ GANGARAM AHIR)

(a) to (d) : As per data collected from States/UTs by the National Crime Records Bureau, a total of 4,19,623 inmates were lodged in 1,401 different
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categories of jails out of sanctioned capacity of 3,66,781, indicating an occupancy rate of 114.4% at the end of 2015.
Prisons is a State subject under Entry 4 of List II of the Seventh Schedule to the Constitution of India, the Government of India has taken various administrative and legislatives measures for reducing the number of undertrials in the prisons with a view to addressing the issue of overcrowding in prisons. Some of the measures taken are: (a) Establishment of Fast Track Courts (FTCs), (b) Creation of additional capacity of prisons through the Scheme of Modernisation of Prisons, (c) Launch of National Mission for Justice Delivery and Legal Reforms, (d) Insertion of a new section viz. 436A in the Criminal Procedure Code etc.

Hon'ble Supreme Court has also passed directions from time to time in respect of undertrial prisoners and their living conditions in jails. Since "Prisons" is a State subject and management of prisons is the responsibility of State Governments, the States/UTs have been asked through various advisories issued by Govt. of India to take necessary action on the directions issued by the Supreme Court. These advisories are available at http://mha1.nic.in/PrisonReforms/advisiory.html.

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